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3 **BEFORE THE PUBLIC DISCLOSURE COMMISSION**
4 **OF THE STATE OF WASHINGTON**

5 IN RE COMPLIANCE
6 WITH RCW 42.17

7 UNITED SEAFOOD BUSINESS
8 ASSN AND DOUG MERINO

9 Respondents.

) PDC CASE NO.: 03-006
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) **FINAL ORDER IMPOSING FINE**
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10 **INTRODUCTION**

11 The Washington State Public Disclosure Commission (Commission) conducted an
12 enforcement hearing under chapters 34.05 and 42.17 RCW and chapter 390-37 WAC on
13 July 23, 2002 with respect to the above-encaptioned matter. The Commission held the
14 hearing at Evergreen Plaza Building, Room 206, 711 Capitol Way South, in Olympia,
15 Washington. The Respondents appeared at the hearing through Doug Merino, Director of
16 United Seafood Business Association. The Staff appeared through Phil Stutzman, Director
17 of Compliance. The Commission held the hearing to determine whether the Respondents
18 violated RCW 42.17.180 by failing to file a Lobbyist's Employer report covering lobbying
19 activities for calendar year 2001 by February 28, 2002.
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21 During the hearing, the Staff presented, for the Commission's consideration, the
22 Notice of Administrative Charges issued July 9, 2002, and the parties' Stipulation of Facts,
23 Violation and Penalty dated July 23, 2002. Specifically, the parties agreed that the Notice
24 of Administrative Charges contain accurate statements of fact. The Respondents stipulated
25 that the Respondents committed a single violation of RCW 42.17.180. The Respondents
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1 further stipulated that the Respondents are willing to accept an assessed total civil penalty
2 of \$1,000.00, with \$500.00 to be paid at the conclusion of the hearing, \$250.00 to be paid
3 by September 30, 2002, and \$250.00 to be paid by November 30, 2002. The Respondents
4 and Staff stipulated that the Respondents reserved the right to request that the Commission
5 suspend a portion of the penalty. The parties' Stipulation is attached to this Order and is
6 incorporated herein by reference. The Commission heard oral argument from the
7 Respondents and Staff concerning whether a portion of the penalty should be suspended.
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9 **ORDER**

10 Based on the record submitted in this matter, the Commission orders as follows:

- 11 1. That the Stipulation of Facts, Violation and Penalty is accepted;
- 12 2. That the Respondents committed a single violation of RCW 42.17.180;
- 13 3. That a total civil penalty of \$1,000.00 is assessed against the Respondents;
- 14 4. That the \$250.00 payment due by November 30, 2002, is suspended on the condition
15 that the non-suspended portion of the penalty is paid timely, and that the Respondents
16 commit no further violations of RCW 42.17 for a period of two years from the date of
17 this Order;
- 18 5. That the Respondents are to pay \$500.00 of the non-suspended portion of the penalty at
19 the conclusion of the hearing, and that the remaining \$250.00 non-suspended portion of
20 the penalty is to be paid by September 30, 2002.
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23 **RECONSIDERATION**

24 Any party may ask the Commission to reconsider this final order. Parties must
25 place their requests for reconsideration in writing, include the specific grounds or reasons
26 for the request, and deliver the request to the Public Disclosure Commission Office within

1 TEN (10) days of the date that the Commission serves this order upon the party. Pursuant
2 to RCW 34.05.470(3), the Public Disclosure Commission is deemed to have denied the
3 petition for reconsideration if, within twenty (20) days from the date the petition is filed, the
4 Commission does not either dispose of the petition or serve the parties with written notice
5 specifying the date by which it will act on the petition. Pursuant to RCW 34.05.470(5), the
6 Respondents are not required to ask the Public Disclosure Commission to reconsider the
7 final order before seeking judicial review by a superior court.
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9 **APPEAL RIGHTS**

10 Pursuant to RCW 42.17.395(5), a final order issued by the Public Disclosure
11 Commission is subject to judicial review under the Administrative Procedures Act, chapter
12 34.05 RCW. Pursuant to RCW 34.05.542(2), a petition for judicial review must be filed
13 with the superior court in Thurston County or the petitioner's county of residence or
14 principal place of business. The petition for judicial review must be served on the Public
15 Disclosure Commission and any other parties within 30 days of the date that the Public
16 Disclosure Commission serves this final order on the parties.
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18 If reconsideration is properly sought, the petition for judicial review must be
19 served on the Public Disclosure Commission and any other parties within thirty (30) days
20 after the Commission acts on the petition for reconsideration. The Commission will seek to
21 enforce this final order in superior court under RCW 42.17.395-397, and recover legal costs
22 and attorney's fees, if the penalty remains unpaid and no petition for judicial review has
23 been filed under chapter 34.05 RCW.
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1 DATED THIS 29th day of July, 2002.

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3 FOR THE COMMISSION:

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VICKI RIPPIE, Executive Director

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